

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Change of use from Public House (Use Class 11) to General Retail (Use Class 10).

LOCATION: Weighbridge House, Lower Pollet, St. Peter Port.

APPLICANT: Spread Trustee Company Limited

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 17/04/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/02/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Savills: 23013; 01.001, 01.002, 01.003

Application Ref: FULL/2024/0309

Property Ref: A113180000

Conditions and reasons:-

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

Expiry Date: This permission will cease to have effect on 17/04/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

(1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).

(2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.

(3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.

(4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.

(5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2024/0309
Property Ref: A113180000
Valid date: 29/02/2024
Location: Weighbridge House Lower Pollet St. Peter Port Guernsey
GY1 2LJ
Proposal: Change of use from Public House (Use Class 11) to General
Retail (Use Class 10).

Applicant: Spread Trustee Company Limited

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

OFFICER'S REPORT

Brief Description of the site:

The site is located in the Main Centre Inner Area, the Harbour Action Area, and a Regeneration Area. The site is within a Conservation Area and there are several protected buildings in the vicinity.

The building consists of a 3 and 4-storey building which has a frontage to both North Esplanade and the Lower Pollet. The building contains a mix of uses.

Planning permission has recently been granted in 2022 to change the use from Public House (use class 11) to Convenience Retail (use class 9). It is noted in the agent's e-mail of 5th February 2024 that the permission was not implemented and this part of the building remained vacant.

Planning permission is now sought to change the use of a former Public House (Use Class 11) to General Retail (Use Class 10). The application relates to part of the ground and basement floors of Weighbridge House as per the previous approval. The agent has however noted that the site will be operated by a 'standard retailer', as opposed to being used for convenience retail purposes.

Relevant History:

FULL/2021/2429	Change of use from Public House (use class 11) to Convenience Retail (use class 9).	Granted
FULL/2021/0761	Change of use from retail use classes 9 and 10 to Public Amenity Use Class 18: Non-Residential Health/Welfare Services, and erect non-illuminated signage to east and west elevations.	Granted
FULL/2019/0336	Change of Use of part of basement to retail use (Use Class 9 & 10) and part for use of public house (Use Class 11). Retention of ground floor for retail use and public house. Alterations to 1st and 2nd floors to create 4 flats and 4 office suites. Alterations to roof form to create additional floor space to 3rd floor and creation of office suite. Alterations to shop fronts and fenestration.	Granted
FULL/2015/2931	Change of Use of basement and ground floor to form one shop, together with associated alterations, changes to office entrance.	Granted

Existing Use(s):

Mixed uses:

Retail use class 11: Food

Administrative, Financial & Professional Services use class 16: Administrative office.

Public Amenity use class 18: Non-residential health/welfare services.

Residential use class 2 - Flat.

Assessment: *(Tick as appropriate)*

no representation



accords with policy



within curtilage



design acceptable



visual amenity acceptable



no material neighbour impact



traffic not affected

**Policies considered most relevant:**

GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

MC6: Retail in Main Centres

MC10: Harbour Action Areas

MC11: Regeneration Areas

IP9: Highway Safety, Accessibility and Capacity.

Conclusion/Brief comment:

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

This application is for a change of use of part of the ground floor and part of the basement floor from public house (use class 11) to general retail (use class 10).

As per the most recent application, the proposal will not result in any physical alterations to the building and therefore the Conservation Area and the setting of adjacent protected buildings will not be affected.

The change of use would not inhibit the implementation of any future Local Planning Brief for the St Peter Port Harbour Action Area, nor would it inhibit the implementation of any future Development Framework for the Lower Pollet Regeneration Area.

The application the subject of this report involves a change of use for the half of the building (the space occupied by the former public house which is now vacant) into general retail due to a change in market interest. Due to the flexibility of the

Exemptions Ordinance (2023), if this application were approved and implemented, there would be scope at a later date to change the use to Convenience retail should a further change in market interest occur.

Overall, the new general retail use would positively contribute to the vitality and viability of the Main Centre and this type of use is supported and encouraged under Policy. Consequently, the application complies with Policy MC6.

The proposed use of the building would not adversely affect highway safety or traffic management.

Due to the nature and type of development, it is not considered necessary for the applicant to demonstrate that the proposal has been designed to take into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, and accords with the purpose of the Law and the Material Planning Considerations. It is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 16/04/24

